

99TH CONGRESS
1ST SESSION

H. R. 2653

To amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 1985

Mr. BROWN of California (for himself, Mr. FOLEY, Mr. LEVINE of California, Mr. MITCHELL, Mr. STARK, Mr. PARRIS, Mr. LANTOS, and Mr. TORRICELLI) introduced the following bill; which was referred to the Committee on Agriculture

NOVEMBER 4, 1985

Additional sponsors: Mr. AKAKA, Mr. BERMAN, Mrs. BOXER, Mr. CLAY, Mr. DAVIS, Mr. HEFTTEL of Hawaii, Mr. HUGHES, Mr. JACOBS, Mrs. KENNELLY, Mr. LEVIN of Michigan, Ms. MIKULSKI, Mr. NOWAK, Mr. RAHALL, Mr. RODINO, Mr. ROYBAL, Mr. SABO, Mr. SCHUMER, Mr. STUDDS, Mr. TALLON, Mr. WILSON, Ms. KAPTUR, Mr. DORNAN of California, Mr. GREGG, Mr. EDWARDS of California, Mr. ROSE, Mr. GRADISON, Mr. GIBBONS, Mr. JEFFORDS, Mr. BIAGGI, Mr. SEIBERLING, Mr. EDWARDS of Oklahoma, Mrs. BENTLEY, Mr. BOEHLERT, Mr. BRYANT, Mrs. BURTON of California, Mr. CARNEY, Mr. DELLUMS, Mr. EDGAR, Mr. FISH, Mr. FUQUA, Mr. GUARINI, Mr. LUNDINE, Mr. MCGRATH, Mr. MANTON, Mr. MAVEROULES, Mr. MINETA, Mr. MOAKLEY, Mr. MRAZEK, Mr. PRICE, Mr. TORRES, Mr. WHITEHURST, Mr. ATKINS, Mr. BORSKI, Mr. CHANDLER, Mr. DYMALLY, Mr. FAZIO, Mr. GREEN, Mr. GRAY of Illinois, Mr. HORTON, Mr. HOWARD, Mr. KOLTER, Mr. MATSUI, Mr. MARKEY, Mr. MOLLOHAN, Mr. RITTER, Mr. ROE, Mr. WEAVER, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. DANIEL, Mr. ECKART of Ohio, Mr. GEJDENSON, Mr. GRAY of Pennsylvania, Mr. JONES of North Carolina, Mr. KASICH, Mr. KOSTMAYER, Mr. KRAMER, Mr. LOWRY of Washington, Mr. MCKINNEY, Mr. MOODY, Mr. RICHARDSON, Mr. SWIFT, Mr. SWINDALL, Mr. WEISS, Mr. WILLIAMS, Mr. YATRON, Mr. YOUNG of Missouri, and Mr. ZSCHAU

99TH CONGRESS
2D SESSION

H. R. 2652

Calendar No. 1102

AN ACT

For the relief of Kumari Rajlakshmi Bais.

A BILL

To amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Improved
5 Standards for Laboratory Animals Act".

6 FINDINGS

7 SEC. 2. The Congress finds that—

8 (1) the use of animals has been instrumental in
9 certain research and education for advancing knowl-
10 edge of cures and treatments for diseases and injuries
11 which afflict both humans and animals;

12 (2) methods of testing that do not use animals are
13 being and continue to be developed which are faster,
14 less expensive, and more accurate than traditional
15 animal experiments for some purposes and further op-
16 portunities exist for the development of these methods
17 of testing;

18 (3) measures which eliminate or minimize the un-
19 necessary duplication of experiments on animals can
20 result in more productive use of Federal funds; and

(4) measures which help meet the public concern for laboratory animal care and treatment are important in assuring that research will continue to progress.

STANDARDS AND CERTIFICATION PROCESS

SEC. 3. (a) Section 13 of the Animal Welfare Act (7 U.S.C. 2143) is amended—

(1) by redesignating subsections (b) through (d) as subsections (f) through (h), respectively; and

(2) by striking out the first two sentences of subsection (a) and inserting in lieu thereof the following:

“(1) The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors.

“(2) The standards described in paragraph (1) shall include requirements—

“(A) for handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, and separation by species where the Secretary finds necessary for humane handling, care, or treatment of animals; and

“(B) for exercise of dogs.

“(3) In addition to the requirements under paragraph (2), the standards described in paragraph (1) shall, with respect to animals in research facilities, include requirements—

1 “(A) for animal care, treatment, and practices in
2 experimental procedures to ensure that animal pain
3 and distress are minimized, including adequate veteri-
4 nary care with the appropriate use of anesthetic, anal-
5 gesic, tranquilizing drugs, or euthanasia;

6 “(B) that the principal investigator considers al-
7 ternatives to any procedure likely to produce pain to or
8 distress in an experimental animal;

9 “(C) in any practice which could cause pain to
10 animals—

11 “(i) that a doctor of veterinary medicine is
12 consulted in the planning of such procedures;

13 “(ii) for the use of tranquilizers, analgesics,
14 and anesthetics;

15 “(iii) for pre-surgical and post-surgical care
16 by laboratory workers in accordance with estab-
17 lished veterinary medical and nursing procedures;

18 “(iv) against the use of paralytics without
19 anesthesia; and

20 “(v) that the withholding of tranquilizers, an-
21 esthesia, analgesia, or euthanasia when scientifi-
22 cally necessary shall continue for only the neces-
23 sary period of time;

“(D) that no animal is used in more than one major operative experiment from which it is allowed to recover except in cases of—

“(i) scientific necessity; or

“(ii) other special circumstances as determined by the Secretary; and

“(E) that exceptions to such standards may be made only when specified by research protocol and that any such exception shall be detailed and justified in a report outlined under paragraph (7) and filed with the Institutional Animal Committee.”.

(b) Section 13(a) of such Act is further amended—

(1) by designating the third and fourth sentences as paragraph (4);

(2) by designating the fifth sentence as paragraph (5); and

(3) by striking out the last sentence and inserting in lieu thereof the following:

“(6) Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to the design, outlines, or guidelines of actual research or experimentation by a research facility: *Provided*, That the Secretary shall require every research facility to show that professionally acceptable standards governing the

1 care, treatment, and practices on animals are being followed
2 by the research facility during research and experimentation.

3 “(7)(A) The Secretary shall require, at least annually,
4 every research facility to report that the provisions of this
5 Act are being followed.

6 “(B) In complying with subparagraph (A), the research
7 facility shall provide—

8 “(i) the details of any procedure which was likely
9 to produce pain or distress in any animal and assur-
10 ances demonstrating that the principal investigator
11 considered alternatives to those procedures;

12 “(ii) assurances satisfactory to the Secretary that
13 such facility is adhering to the standards described in
14 this section; and

15 “(iii) an explanation for any deviation from the
16 standards promulgated under this section.

17 “(8) Paragraph (1) shall not prohibit any State (or a
18 political subdivision of such State) from promulgating stand-
19 ards in addition to those standards promulgated by the Secre-
20 tary under paragraph (1).”.

21 (c) Section 13 of such Act is further amended by insert-
22 ing after subsection (a) the following new subsections:

23 “(b)(1) The Secretary shall require that each research
24 facility establish at least one Institutional Animal Committee.
25 Each Committee shall be appointed by the chief executive

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11 officer of each such research facility and shall be composed of
12 not fewer than three members. Such members shall possess
13 sufficient ability to assess animal care, treatment, and prac-
14 tices in experimental research as determined by the needs of
15 the research facility. Of the members of the Committee—

16 “(A) at least one member shall be a doctor of
17 veterinary medicine;

18 “(B) at least one member shall not be affiliated in
19 any way with such facility other than as a member of
20 the Committee, shall not be a member of the immedi-
21 ate family of a person who is affiliated with such facili-
22 ty, and shall be responsible for representing society’s
23 concerns regarding the welfare of the animal subjects;
24 and

25 “(C) in those cases where the Committee consists
of more than three members, not more than three
members shall be from the same administrative unit of
such facility.

“(2) A quorum shall be required for all formal actions of
the Committee, including inspections under paragraph (3).

“(3) The Committee shall inspect at least semiannually
all animal study areas and animal facilities of such research
facility and review as part of the inspection—

“(A) practices involving pain to animals, and

“(B) the condition of animals,

1 to ensure compliance with the provisions of this Act and that
2 pain and distress to animals is minimized. Exceptions to the
3 requirement of inspection of such study areas may be made
4 by the Secretary if animals are studied in their natural envi-
5 ronment and the study area is prohibitive to easy access.

6 “(4)(A) The Committee shall file an inspection certifica-
7 tion report of each inspection at the research facility. Such
8 report shall—

9 “(i) be signed by a majority of the Committee
10 members involved in the inspection;

11 “(ii) include reports of any violation of the stand-
12 ards promulgated, or assurances required, by the Sec-
13 retary, including any deficient conditions of animal care
14 or treatment, any deviations of research practices from
15 originally approved proposals that adversely affect
16 animal welfare, any notification to the facility regard-
17 ing such conditions, and any corrections made there-
18 after;

19 “(iii) include any minority views of the Commit-
20 tee; and

21 “(iv) include any other information pertinent to
22 the activities of the Committee.

23 “(B) Such report shall remain on file for at least three
24 years at the research facility and shall be available for inspec-
25 tion by the Animal and Plant Health Inspection Service of

1 the Department of Agriculture and any funding Federal
2 agency.

3 “(C) In order to give the research facility an opportunity
4 to correct any deficiencies or deviations discovered by reason
5 of paragraph (3), the Committee shall notify the administra-
6 tive representative of the research facility of any deficiencies
7 or deviations from the provisions of this Act. If, after notifica-
8 tion and an opportunity for correction, such deficiencies or
9 deviations remain uncorrected, the Committee shall notify (in
10 writing) the Animal and Plant Health Inspection Service of
11 the Department of Agriculture and the funding Federal
12 agency of such deficiencies or deviations.

13 “(5) The inspection results shall be available to Depart-
14 ment of Agriculture inspectors for review during inspections.
15 Department of Agriculture inspectors shall forward any Com-
16 mittee inspection records which include reports of uncorrect-
17 ed deficiencies or deviations to the Animal and Plant Health
18 Inspection Service of the Department of Agriculture and any
19 funding Federal agency of the project with respect to which
20 such uncorrected deficiencies and deviations occurred.

21 “(c)(1) The research facility shall provide for annual
22 training for scientists, animal technicians, and other person-
23 nel involved with animal care and treatment in such facility.
24 Such training shall include instruction on—

1 “(A) the humane practice of animal maintenance
2 and experimentation;

3 “(B) research or testing methods that minimize or
4 eliminate the use of animals or limit animal pain or
5 distress; and

6 “(C) utilization of the information service at the
7 National Agricultural Library, established under sub-
8 section (d).

9 “(2) Research facilities shall inform their employees of
10 the provisions of this Act and shall inform such employees to
11 report any violations of such provisions. Any such employee
12 may not be discriminated against on grounds that such
13 employee reported a violation of such provisions.

14 “(d) The Secretary shall establish an information service
15 at the National Agricultural Library. Such service shall, in
16 cooperation with the National Library of Medicine, provide
17 information—

18 “(1) pertinent to employee training;

19 “(2) which could prevent unintended duplication
20 of animal experimentation as determined by the needs
21 of the research facility; and

22 “(3) on improved methods of animal experimenta-
23 tion, including methods which could—

24 “(A) reduce or replace animal use; and

“(B) minimize pain and distress to animals, such as anesthetic and analgesic procedures.

“(e) In any case in which the funding Federal agency determines that conditions of animal care, treatment, or practice in a particular project have not been in compliance with standards promulgated under this Act, despite notification by the Secretary or the funding Federal agency to the research facility and an opportunity for correction, such agency shall suspend or revoke Federal support for the project. Any research facility losing Federal support as a result of actions taken under the preceding sentence shall have the right of appeal as provided in sections 701 through 706 of title 5, United States Code.”.

INSPECTIONS

SEC. 4. Section 16(a) of the Animal Welfare Act (7 U.S.C. 2146(a)) is amended by inserting after the first sentence the following:

“The Secretary shall inspect each research facility at least once each year and, in the case of deficiencies or deviations from the standards promulgated under this Act, shall conduct such follow-up inspections as may be necessary until all deficiencies or deviations from such standards are corrected.”.

1 PENALTY FOR RELEASE OF TRADE SECRETS

2 SEC. 5. The Animal Welfare Act (7 U.S.C. 2131-2156)
3 is amended by adding at the end thereof the following
4 section:

5 “SEC. 27. (a) It shall be unlawful for any member of the
6 Institutional Animal Committee to release any confidential
7 information of the research facility, including any information
8 that concerns or relates to—

9 “(1) the trade secrets, processes, operations, style
10 of work, or apparatus, or

11 “(2) to the identity, confidential statistical data,
12 amount or source of any income, profits, losses, or
13 expenditures of the research facility.

14 “(b) It shall be unlawful for any member of such
15 Committee—

16 “(1) to use or attempt to use to his advantage, or

17 “(2) to reveal to any other person,
18 any information which is entitled to protection as confidential
19 information under subsection (a).

20 “(c) A violation of subsection (a) or (b) is punishable
21 by—

22 “(1) removal from such Committee, and

23 “(2)(A) a fine of not more than \$1,000 and im-
24 prisonment of not more than one year, or

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U.S.C. 2131-2156)

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1 “(B) if such violation is willful, a fine of not more
2 than \$10,000 and imprisonment of not more than three
3 years.

4 “(d) Any person, including any research facility, injured
5 in its business or property by reason of a violation of this
6 section may recover all actual and consequential damages
7 sustained by such person and the cost of the suit including a
8 reasonable attorney’s fee.

9 “(e) Nothing in this section shall be construed to affect
10 any other rights that any such person may have, nor shall
11 subsection (d) be construed to limit the exercise of any such
12 rights arising out of or relating to a violation of subsections
13 (a) and (b).”.

14 CIVIL PENALTY FOR VIOLATING ANIMAL WELFARE ACT

15 SEC. 6. (a) Subsection (b) of Section 19 of the Animal
16 Welfare Act (7 U.S.C. 2149) is amended—

17 (1) in the first sentence by striking out “\$1,000”

18 and inserting in lieu thereof “\$2,500”; and

19 (2) in the last sentence by striking out “\$500”

20 and inserting in lieu thereof “\$1,500”.

21 (b) Subsection (d) of such section is amended by striking
22 out “\$1,000” and inserting in lieu thereof “\$2,500”.

23 DEFINITIONS

24 SEC. 7. (a) Section 2(e) of the Animal Welfare Act (7
25 U.S.C. 2132(e)) is amended by adding after “The term ‘re-
26 search facility’ means” the following: “each department,

1 agency, or instrumentality of the United States which uses
2 live animals for research or experimentation,”.

3 (b) Section 2 of such Act is further amended by redesignig-
4 nating subsections (f) through (j) as subsections (j) through
5 (n), respectively and by inserting after subsection (e) the
6 following new subsections:

7 “(f) The term ‘Federal agency’ means an Executive
8 agency as such term is defined in section 105 of title 5,
9 United States Code, and with respect to any research facility
10 means the agency from which the research facility receives a
11 Federal award for the conduct of research, experimentation,
12 or testing, involving the use of animals;

13 “(g) The term ‘Federal award for the conduct of re-
14 search, experimentation, or testing, involving the use of ani-
15 mals’ means any mechanism (grant, award, loan, contract, or
16 cooperative agreement) under which Federal funds are
17 provided to support the conduct of such research;

18 “(h) The term ‘quorum’ means a majority of the
19 Committee members;

20 “(i) The term ‘Committee’ means the Institutional
21 Animal Committee established under section 13(c);”.

22 EFFECTIVE DATE

23 SEC. 8. This Act shall take effect one year after the
24 date of the enactment of this Act.

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